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SENATE BILL 718

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Gerald P. Ortiz y Pino

AN ACT

RELATING TO ELECTIONS; REQUIRING VOTERS TO PRESENT  
IDENTIFICATION WHEN VOTING; CHANGING REGISTRATION PROCEDURES;  
REQUIRING NOTICE OF WHY A PROVISIONAL BALLOT IS NOT COUNTED;  
REQUIRING THE USE OF PAPER BALLOTS; RECONCILING MULTIPLE  
AMENDMENTS TO THE SAME SECTION OF LAW; PROVIDING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 1, Article 1 NMSA  
1978 is enacted to read:

"[NEW MATERIAL] VOTER IDENTIFICATION CARD.--As used in the  
Election Code, "voter identification card" means a document  
containing the person's name, address and precinct number that  
is issued by the county clerk or the voter's copy of the  
voter's certificate of registration."

Section 2. A new section of Chapter 1, Article 1 NMSA  
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1 1978 is enacted to read:

2 "[NEW MATERIAL] REGISTRATION AGENT. --As used in the  
3 Election Code, "registration agent" means a state or federal  
4 employee who provides voter registration at a state agency or  
5 any other individual who assists another person in completion  
6 of a voter registration application. "

7 Section 3. Section 1-1-16 NMSA 1978 (being Laws 1969,  
8 Chapter 240, Section 16, as amended) is amended to read:

9 "1-1-16. REGISTRATION OFFICER. --As used in the Election  
10 Code, "registration officer" means a county clerk or [~~his~~] a  
11 clerk's authorized deputy [~~or~~], a member of the board of  
12 registration or a state employee performing registration duties  
13 in accordance with the federal National Voter Registration Act  
14 of 1993 or Section 1-4-5.2 NMSA 1978. "

15 Section 4. A new section of the Election Code is enacted  
16 to read:

17 "[NEW MATERIAL] VOTER IDENTIFICATION CARDS--  
18 DISTRIBUTION. --

19 A. Between sixty and forty days before each  
20 statewide election, the county clerk shall send to each  
21 registered voter in the county a voter identification card  
22 indicating the voter's name, address and voting precinct.

23 B. The county clerk may apply to the office of the  
24 secretary of state for reimbursement of costs related to  
25 supplying voter identification cards.

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1 C. The secretary of state shall promulgate rules to  
2 ensure that all registered voters receive a voter registration  
3 card before each statewide election and reimburse the county  
4 for the costs of supplying and distributing the cards."

5 Section 5. Section 1-4-5 NMSA 1978 (being Laws 1969,  
6 Chapter 240, Section 63, as amended) is amended to read:

7 "1-4-5. METHOD OF REGISTRATION--UNLAWFUL USE OF  
8 INFORMATION--PENALTY.--

9 A. A qualified elector may apply to a registration  
10 officer or agent for registration.

11 B. The registration officer or agent or qualified  
12 elector shall fill out each of the blanks on the original and  
13 the voter's copy of the certificate of registration by typing  
14 or printing in ink. [~~Carbon paper may be used between the~~  
15 ~~original and the voter's copy.~~] The voter shall be given an  
16 exact duplicate, which may be a carbon copy of the original,  
17 and which shall contain a number traceable to the registration  
18 officer or agent.

19 C. The qualified elector shall subscribe a  
20 certificate of registration as follows:

21 (1) [~~a person shall sign his original~~] by  
22 signing the certificate of registration using [~~his~~] the  
23 qualified elector's given name, middle name or initial and last  
24 name; or

25 (2) if any qualified elector seeking to

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1 register is unable to read and write either the English or  
2 Spanish language or is unable to read or write because of some  
3 physical disability, the certificate of such person shall be  
4 filled out by a registration officer and the name of the  
5 qualified elector so registering shall be subscribed by the  
6 making of ~~[his]~~ the qualified elector's mark.

7 D. When properly executed by the registration agent  
8 or officer, ~~[the original and the voter's copy of]~~ the  
9 certificate of registration shall be presented, either in  
10 person or by mail by the qualified elector or by the  
11 registration agent or officer, to the county clerk of the  
12 county in which the qualified elector resides.

13 E. Only when the certificate of registration is  
14 properly filled out, subscribed by the qualified elector and  
15 accepted for filing by the county clerk as evidenced by ~~[his]~~  
16 the clerk's signature or stamp and the date of acceptance  
17 thereon shall it constitute an official public record of the  
18 registration of the qualified elector. It is unlawful for any  
19 information required on the certificate of registration to be  
20 copied, conveyed or used by anyone other than the person  
21 registering to vote, either before or after it is filed with  
22 the county clerk, except by elections administrators for  
23 purposes of the registration process.

24 F. A person who unlawfully copies, conveys or uses  
25 information from a certificate of registration is guilty of a

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1 [fourth] third degree felony. "

2 Section 6. Section 1-4-5.1 NMSA 1978 (being Laws 1993,  
3 Chapter 314, Section 7 and Laws 1993, Chapter 316, Section 7,  
4 as amended) is amended to read:

5 "1-4-5.1. METHOD OF REGISTRATION--FORM --

6 A. A qualified elector may apply for registration  
7 by mail or in [~~the office of the county clerk~~] person.

8 B. Certificate of registration forms may be  
9 requested from the secretary of state or any county clerk in  
10 person, by telephone or by mail for oneself or for others.

11 C. Except as provided in Subsection D of this  
12 section, a qualified elector who wishes to register to vote  
13 shall fill out completely and sign the certificate of  
14 registration. The qualified elector may seek the assistance of  
15 any person in completing the certificate of registration.

16 D. A qualified elector who has filed for an order  
17 of protection pursuant to the provisions of the Family Violence  
18 Protection Act and who presents a copy of that order from a  
19 state or tribal court to the registration officer shall not be  
20 required to provide address information on the certificate of  
21 registration.

22 E. Completed certificates of registration may be  
23 mailed or presented in person by the registrant or any other  
24 person to the secretary of state or presented in person by the  
25 registrant or any other person to the county clerk of the

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1 county in which the registrant resides.

2 F. If the registrant wishes to vote in the next  
3 election, the completed and signed certificate of registration  
4 shall be delivered or mailed and postmarked at least twenty-  
5 eight days before the election.

6 G. Upon receipt of a certificate of registration,  
7 the secretary of state shall send the certificate to the county  
8 clerk in the county where the qualified elector resides.

9 H. Only when the certificate of registration is  
10 properly filled out, signed by the qualified elector and  
11 accepted for filing by the county clerk as evidenced by ~~[his]~~  
12 the county clerk's signature or stamp and the date of  
13 acceptance thereon and when notice has been received by the  
14 registrant shall it constitute an official public record of the  
15 registration of the qualified elector.

16 I. The secretary of state shall prescribe the form  
17 of the certificate of registration, which form shall be a  
18 postpaid mail-in format and shall be printed in Spanish and  
19 English. The certificate of registration form shall be clear  
20 and understandable to the average person and shall include  
21 brief but sufficient instructions to enable the qualified  
22 elector to complete the form without assistance. The form  
23 shall also include:

24 (1) the question "Are you a citizen of the  
25 United States of America?" and boxes for the applicant to check

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1 to indicate whether the applicant is or is not a citizen;

2 (2) the question "Will you be at least  
3 eighteen years of age on or before election day?" and boxes for  
4 the applicant to check to indicate whether the applicant will  
5 be eighteen years of age or older on election day;

6 (3) the statement "If you checked 'no' in  
7 response to either of these questions, do not complete this  
8 form "; [~~and~~]

9 (4) a statement informing the applicant that:

10 (a) if the form is not submitted in  
11 person by the applicant and the applicant is registering for  
12 the first time in New Mexico, the applicant must submit with  
13 the form a copy of: 1) a voter identification card or a  
14 current and valid photo identification; or 2) a utility bill,  
15 bank statement, government check, paycheck or other government  
16 document, including identification issued by an Indian nation,  
17 tribe or pueblo, that shows the name and address of the  
18 applicant; and

19 (b) [~~if~~] the applicant [~~does not~~] must  
20 submit the required identification [~~he will be required to do~~  
21 ~~so~~] when [~~he votes~~] voting in person or absentee; and

22 (5) a statement requiring the applicant to  
23 swear or affirm that the information supplied by the applicant  
24 is true."

25 Section 7. A new section of Chapter 1, Article 4 NMSA

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1 1978 is enacted to read:

2 "[NEW MATERIAL] REVIEW OF REGISTRATION--SECRETARY OF  
3 STATE.--At least forty-five days before an election, the  
4 secretary of state shall review statewide computerized voter  
5 registration system files for duplicate registrations. If any  
6 duplicate registrations are found, the last certificate of  
7 registration received for a voter shall be considered correct  
8 and the voter notified that any earlier certificates of  
9 registration have been canceled. "

10 Section 8. Section 1-5-10 NMSA 1978 (being Laws 1969,  
11 Chapter 240, Section 112, as amended) is amended to read:

12 "1-5-10. VOTER LISTS--SIGNATURE ROSTERS--USE DURING  
13 ELECTION.--

14 A. Each precinct board using voter lists shall post  
15 securely at or near the entrance of the polling place one copy  
16 of the voter list for use of the voters prior to voting. The  
17 posted copy shall not contain a listing of voter social  
18 security numbers.

19 B. The presiding judge of the precinct board shall  
20 assign one judge of the board to be in charge of one copy of  
21 the voter list, which shall be used to confirm the registration  
22 and voting of each person offering to vote.

23 C. The presiding judge of the precinct board shall  
24 assign one election clerk to be in charge of the signature  
25 roster.

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1           D. The judge assigned to the voter list used for  
2 confirmation of registration and voting shall determine that  
3 each person offering to vote is registered and, in the case of  
4 a primary election, that the voter is registered in a party  
5 designated on the primary election ballot. If the person's  
6 registration is confirmed by the presence of ~~[his]~~ the person's  
7 name on the voter list or if the person presents a copy of a  
8 certificate ~~[under the seal and signature of the county clerk]~~  
9 of registration showing that ~~[he]~~ the person registered to vote  
10 before the deadline for registering and therefore is entitled  
11 to vote in the election and to vote in that precinct, the judge  
12 shall announce to the election clerks the list number and the  
13 name of the voter as shown on the voter list or certificate of  
14 registration.

15           E. The election clerk shall locate that list number  
16 and name on the signature roster and shall require the voter to  
17 sign ~~[his]~~ the voter's usual signature or, if unable to write,  
18 to make ~~[his]~~ the voter's mark opposite ~~[his]~~ the voter's  
19 printed name. If the voter makes ~~[his]~~ the voter's mark, it  
20 shall be witnessed by one of the judges of the precinct board.  
21 ~~[If the signature roster indicates that the voter is required~~  
22 ~~to present a form of identification before voting]~~ The election  
23 judge shall ask the voter for ~~[a current and valid photo~~  
24 ~~identification or]~~ a copy of a current utility bill, bank  
25 statement, government check, paycheck or other government

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1 document, including identification issued by an Indian nation,  
2 tribe or pueblo, that shows [~~and matches~~] the name and address  
3 of the voter, [~~as indicated on the signature roster~~] a current  
4 and valid photo identification or a voter identification card.

5 If the voter does not provide the required identification, [~~he~~]  
6 the voter shall be allowed to vote on a provisional paper  
7 ballot.

8 F. The election judge shall follow the procedures  
9 provided for in Sections 1-5-12 and 1-12-8 NMSA 1978 if a  
10 person whose name does not appear on the signature list  
11 requests to vote or a person is required to vote on a  
12 provisional paper ballot.

13 G. A voter shall not be permitted to vote until  
14 [~~he~~] the voter has properly signed [~~his~~] the voter's usual  
15 signature or made [~~his~~] the voter's mark in the signature  
16 roster.

17 H. After the poll is closed, the election clerk in  
18 charge of a signature roster shall draw a single horizontal  
19 line in ink through each signature space in the signature  
20 roster where no signature or mark appears. "

21 Section 9. Section 1-6-5 NMSA 1978 (being Laws 1969,  
22 Chapter 240, Section 131, as amended by Laws 2003, Chapter 355,  
23 Section 4 and by Laws 2003, Chapter 356, Section 19 and also by  
24 Laws 2003, Chapter 357, Section 2) is amended to read:

25 "1-6-5. PROCESSING APPLICATION--ISSUANCE OF BALLOT--

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1 MARKING AND DELIVERY OF BALLOT IN PERSON. --

2 A. The county clerk shall mark each completed  
3 absentee ballot application with the date and time of receipt  
4 in the clerk's office and enter the required information in the  
5 absentee ballot register. The county clerk shall then  
6 determine if the applicant is a voter, an absent uniformed  
7 services voter or an overseas voter.

8 B. If the applicant does not have a valid  
9 certificate of registration on file in the county and [he] is  
10 not a federal qualified elector or if the applicant states [he]  
11 that the applicant is a federal qualified elector but [his] the  
12 application indicates [he] the applicant is not a federal  
13 qualified elector, an absentee ballot shall not be issued and  
14 the county clerk shall mark the application "rejected" and file  
15 the application in a separate file from those accepted.

16 C. The county clerk shall notify in writing each  
17 applicant of the fact of acceptance or rejection of [his] the  
18 application and, if rejected, shall explain why the application  
19 was rejected.

20 D. ~~[If the applicant has on file with the county a~~  
21 ~~valid certificate of registration that indicates that the~~  
22 ~~applicant is a voter who registered by mail without submitting~~  
23 ~~the required identification]~~ The county clerk shall notify the  
24 voter that [he] the voter must submit with [his] the absentee  
25 ballot a copy of a [~~current and valid photo identification~~]

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1 utility bill, bank statement, government check, paycheck or  
2 other government document, including identification issued by  
3 an Indian nation, tribe or pueblo, that shows the name and  
4 address of the applicant, [~~The county clerk shall note on the~~  
5 ~~absentee ballot register and signature roster that the~~  
6 ~~applicant's absentee ballot must be returned with the required~~  
7 ~~identification] a current and valid photo identification or a  
8 voter identification card.~~

9 E. If the county clerk finds that the applicant is  
10 a voter other than a federal qualified elector or overseas  
11 voter, the county clerk shall mark the application "accepted"  
12 and, beginning twenty-eight days before the election, deliver  
13 an absentee ballot to the voter in the county clerk's office or  
14 mail to the applicant an absentee ballot and the required  
15 envelopes for use in returning the ballot. If the county clerk  
16 finds that the applicant is a federal qualified elector or  
17 overseas voter, the county clerk shall mark the application  
18 "accepted" and beginning forty-five days before the election,  
19 mail to the applicant an absentee ballot and the required  
20 envelopes for use in returning the ballot. Acceptance of an  
21 application of a federal qualified elector constitutes  
22 registration for the election in which the ballot is to be  
23 cast. Acceptance of an application from an overseas voter who  
24 is not an absent uniformed services voter constitutes a request  
25 for changing information on the certificate of registration of

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1 any such voter. An absent voter shall not be permitted to  
2 change [~~his~~] party affiliation during those periods when change  
3 of party affiliation is prohibited by the Election Code. Upon  
4 delivery of an absentee ballot to a voter in the county clerk's  
5 office or mailing of an absentee ballot to an applicant who is  
6 a voter, an appropriate designation shall be made on the  
7 signature line of the signature roster next to the name of the  
8 voter who has been provided or mailed an absentee ballot.

9 F. If an application for an absentee ballot is  
10 delivered in person to the county clerk and is accepted, and  
11 the voter presents the required identification, the county  
12 clerk shall provide the voter an absentee ballot and it shall  
13 be marked by the applicant in a voting booth of a type  
14 prescribed by the secretary of state, sealed in the proper  
15 envelopes and otherwise properly executed and returned to the  
16 county clerk or [~~his~~] the county clerk's authorized  
17 representative before the voter leaves the office of the county  
18 clerk. The act of marking the absentee ballot in the office of  
19 the county clerk shall be a convenience to the voter in the  
20 delivery of the absentee ballot and does not make the office of  
21 the county clerk a polling place subject to the requirements of  
22 a polling place in the Election Code other than is provided in  
23 this subsection. It shall be unlawful to solicit votes,  
24 display or otherwise make accessible any posters, signs or  
25 other forms of campaign literature whatsoever in the clerk's

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1 office. Absentee ballots may be marked in person at the county  
2 clerk's office during the regular hours and days of business  
3 beginning on the twenty-eighth day preceding the election and  
4 from 10:00 a.m. to 6:00 p.m. on the Saturday immediately prior  
5 to the date of the election. In marking the absentee ballot,  
6 the voter, pursuant to the provisions of Section 1-12-15 NMSA  
7 1978, may be assisted by one person of the voter's choice.

8 G. Commencing on the third Saturday prior to an  
9 election, an absent voter may vote in person, on an electronic  
10 voting machine at an alternate location established by the  
11 county clerk. In class A counties with more than two hundred  
12 thousand registered voters, the county clerk shall establish  
13 [~~not less~~] no fewer than twelve alternate voting locations as a  
14 convenience to the voters. For class A counties with two  
15 hundred thousand registered voters or [~~less~~] fewer, the county  
16 clerk shall establish [~~not less~~] no fewer than four alternate  
17 voting locations. In non-class A counties with more than ten  
18 thousand registered voters, the county clerk shall establish at  
19 least one alternate voting location. In non-class A counties  
20 with ten thousand registered voters or [~~less~~] fewer, early  
21 voting shall be conducted in the office of the county clerk or  
22 at such alternative locations as may be designated by the  
23 county clerk. Absentee voting may be done at an alternate  
24 location from 12:00 p.m. to 8:00 p.m., Tuesday through Friday,  
25 and 10:00 a.m. to 6:00 p.m. Saturday through the Saturday

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1 immediately prior to the election. The county clerk shall  
2 ensure that procedures established for processing an absent  
3 voter application and for voting by absentee ballot are  
4 complied with at each alternate location. If the otherwise  
5 qualified voter does not present the required form of  
6 identification, the voter shall be given a provisional ballot  
7 in accordance with the provisions of Section 1-12-8 NMSA 1978.

8 H. Absentee ballots shall be airmailed or, if so  
9 requested, electronically transmitted to applicants temporarily  
10 domiciled inside or outside the continental limits of the  
11 United States not later than on the [~~Thursday~~] Friday  
12 immediately prior to the date of the election.

13 I. An absentee ballot shall not be delivered or  
14 mailed by the county clerk to any person other than the  
15 applicant for such ballot.

16 ~~[J. The county clerk shall accept and process, with~~  
17 ~~respect to a primary or general election for any federal~~  
18 ~~office, any otherwise valid voter registration application from~~  
19 ~~an absent uniformed services voter or overseas voter if the~~  
20 ~~application is received not less than thirty days before the~~  
21 ~~election. The county clerk shall also accept and process~~  
22 ~~federal write-in absentee ballots from overseas voters in~~  
23 ~~general elections for federal offices in accordance with the~~  
24 ~~provisions of Section 103 of the federal Uniformed and Overseas~~  
25 ~~Citizens Absentee Voting Act.~~

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1           ~~K.]~~ J. The secretary of state and each county clerk  
2 shall make reasonable efforts to publicize and inform voters of  
3 the times and locations for absentee voting.

4           K. The secretary of state shall establish  
5 procedures for the submittal of required identification with  
6 mailed-in absentee ballots. "

7           Section 10. Section 1-6-9 NMSA 1978 (being Laws 1969,  
8 Chapter 240, Section 135, as amended) is amended to read:

9           "1-6-9. MANNER OF VOTING. --

10           A. A person voting pursuant to the Absent Voter Act  
11 shall secretly mark ~~[his]~~ the absentee ballot in the manner  
12 provided in the Election Code for marking emergency paper  
13 ballots, place it in the official inner envelope and securely  
14 seal the envelope. The voter shall then place the official  
15 inner envelope and a copy of the required identification inside  
16 the official mailing envelope and securely seal the envelope.  
17 The voter shall then complete the form on the reverse of the  
18 official mailing envelope, which shall include an affirmation  
19 by the voter under penalty of perjury that the facts stated in  
20 the form are true.

21           B. Federal qualified electors and overseas voters  
22 shall either deliver or mail the official mailing envelope or  
23 electronically transmit the absentee ballot to the county clerk  
24 of their county of residence or deliver it to a person  
25 designated by federal authority to receive executed ballots for

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1 transmission to the county clerk of the county of residence or  
2 former residence as the case may be. Voters shall either  
3 deliver or mail the official mailing envelope to the county  
4 clerk of their county of residence. "

5 Section 11. A new section of Chapter 1, Article 9 NMSA  
6 1978 is enacted to read:

7 "[NEW MATERIAL] VOTING SYSTEM- USE OF PAPER BALLOT. -- All  
8 voting systems used in elections covered by the Election Code  
9 shall use paper ballots as the medium on which a voter selects  
10 a candidate or indicates a yes or no on a ballot question;  
11 provided, however, that voting systems owned or used by a  
12 county on the effective date of this 2005 act that do not use  
13 paper to directly record the voter's preferences may be used  
14 until the first occurrence of the following:

15 A. federal, state or local funds are appropriated  
16 to replace those voting systems; or

17 B. December 31, 2009. "

18 Section 12. A new section of Chapter 1, Article 12 NMSA  
19 1978 is enacted to read:

20 "[NEW MATERIAL] CONDUCT OF ELECTION-- USE OF VOTER'S COPY  
21 OF CERTIFICATE OF REGISTRATION-- PROCEDURES. -- If a voter whose  
22 name is not in the signature roster presents the voter's  
23 duplicate of the voter's certificate of registration, the voter  
24 shall be allowed to vote in the proper precinct in accordance  
25 with the provisions of Section 1-5-10 NMSA 1978. The election

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1 judge shall inform the voter that the voter will be notified by  
2 the county clerk to provide a copy of the certificate of  
3 registration to the county clerk if the original certificate is  
4 not located. A note shall be entered on the signature roster  
5 indicating that the voter's certificate of registration should  
6 be checked by the county clerk. "

7 Section 13. Section 1-12-8 NMSA 1978 (being Laws 1969,  
8 Chapter 240, Section 247, as amended) is amended to read:

9 "1-12-8. CONDUCT OF ELECTION--PROVISIONAL VOTING. --

10 A. A person shall be permitted to vote on a  
11 provisional paper ballot even though ~~[his]~~ the person's  
12 original certificate of registration cannot be found in the  
13 county register or even if ~~[his]~~ the person's name does not  
14 appear on the signature roster, provided:

15 (1) ~~[his]~~ the person's residence is within the  
16 boundaries of the county in which ~~[he]~~ the person offers to  
17 vote;

18 (2) ~~[his]~~ the person's name is not on the list  
19 of persons submitting absentee ballots; and

20 (3) ~~[he]~~ the person executes a statement  
21 swearing or affirming to the best of ~~[his]~~ the person's  
22 knowledge that ~~[he]~~ the person is a qualified elector, is  
23 currently registered and eligible to vote in that county and  
24 has not cast a ballot or voted in that election.

25 B. A voter shall vote on a provisional paper ballot

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1 if the voter

2 ~~[(1) has not previously voted in a general~~  
3 ~~election in New Mexico;~~

4 ~~(2) did not register to vote in person;~~

5 ~~(3) did not submit the required identification~~  
6 ~~with the certificate of registration form; and~~

7 (4) does not present to the election judge one  
8 of the following forms of identification: ~~[that matches the~~  
9 ~~name and address on the voter's certificate of registration~~

10 (a) (1) a current and valid photo  
11 identification or voter identification card; or

12 (b) (2) a copy of a current utility bill,  
13 bank statement, government check, paycheck or other government  
14 document, including identification issued by an Indian nation,  
15 tribe or pueblo, that shows the name and address of the voter.

16 C. An election judge shall have the voter sign the  
17 signature roster and issue the voter a provisional paper  
18 ballot, an outer envelope and an official inner envelope. The  
19 voter shall vote on the provisional paper ballot in secrecy and  
20 when done, place the ballot in the official inner envelope and  
21 place the official inner envelope in the outer envelope and  
22 return it to the precinct officer. The election judge shall  
23 ensure that the required information is completed on the outer  
24 envelope, have the voter sign it in the appropriate place and  
25 place it in an envelope designated for provisional paper

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1 ballots.

2 D. Knowingly executing a false statement  
3 constitutes perjury as provided in the Criminal Code of this  
4 state, and voting on the basis of such falsely executed  
5 statement constitutes fraudulent voting. "

6 Section 14. Section 1-12-25.2 NMSA 1978 (being Laws 2003,  
7 Chapter 356, Section 3) is amended to read:

8 "1-12-25.2. CONDUCT OF ELECTION--PROVISIONAL VOTING--  
9 INFORMATION TO VOTER--STATUS OF VOTER'S BALLOT.--

10 A. If a voter is required to vote on a provisional  
11 paper ballot, the election judge shall give the voter written  
12 instructions on how the voter may determine whether the vote  
13 was counted and, if the vote was not counted, the reason it was  
14 not counted.

15 B. The county clerk shall establish a free access  
16 system, such as a toll-free telephone number or internet web  
17 site, that a voter who casts a provisional paper ballot may  
18 access to ascertain whether the voter's ballot was counted and,  
19 if the vote was not counted, the reason it was not counted.  
20 Access to information about an individual voter's provisional  
21 ballot is restricted to the voter who cast the ballot.

22 C. The county clerk shall notify by mail each  
23 person whose provisional ballot was not counted of the reason  
24 the ballot was not counted."

25 Section 15. Section 1-20-3 NMSA 1978 (being Laws 1969,  
. 154563. 3

underscored material = new  
[bracketed material] = delete

1 Chapter 240, Section 428, as amended by Laws 1993, Chapter 314,  
2 Section 60 and also by Laws 1993, Chapter 316, Section 58) is  
3 amended to read:

4 "1-20-3. REGISTRATION OFFENSES. --Registration offenses  
5 consist of performing any of the following acts willfully and  
6 with knowledge and intent to deceive any registration officer  
7 or to subvert the registration requirements of the law or  
8 rights of any qualified elector:

9 A. signing or offering to sign a certificate of  
10 registration when not a qualified elector;

11 B. falsifying any information on the certificate of  
12 registration;

13 C. soliciting, procuring, aiding, abetting,  
14 inducing or attempting to solicit, procure, aid, abet or induce  
15 any person to register or attempt to register with the name of  
16 any other person, whether real, deceased or fictitious; or

17 D. destroying the certificate of registration of  
18 any qualified elector, or removing such certificate from its  
19 proper binder or file, except as provided in the Election Code.

20 Whoever commits a registration offense is guilty of a  
21 [~~fourth~~] third degree felony."

22 Section 16. Section 1-20-8 NMSA 1978 (being Laws 1969,  
23 Chapter 240, Section 432) is amended to read:

24 "1-20-8. FALSE VOTING. --False voting consists of:

25 A. voting or offering to vote with the knowledge of

. 154563. 3

underscored material = new  
[bracketed material] = delete

1 not being a qualified elector;

2 B. voting or offering to vote in the name of any  
3 other person;

4 C. knowingly voting or offering to vote in any  
5 precinct except that in which one is registered;

6 D. voting or offering to vote more than once in the  
7 same election;

8 E. inducing, abetting or procuring or attempting to  
9 induce, abet or procure a person known to not be a qualified  
10 elector to vote; or

11 F. inducing, abetting or procuring or attempting to  
12 induce, abet or procure a person who, having voted once in any  
13 election, to vote or attempt to vote again at the same  
14 election.

15 Whoever commits false voting is guilty of a [~~fourth~~] third  
16 degree felony. "

17 Section 17. Section 1-20-9 NMSA 1978 (being Laws 1969,  
18 Chapter 240, Section 433, as amended) is amended to read:

19 "1-20-9. FALSIFYING ELECTION DOCUMENTS. -- Falsifying  
20 election documents consists of performing any of the following  
21 acts willfully and with knowledge and intent to deceive or  
22 mislead any voter, precinct board, canvassing board or other  
23 election official:

24 A. printing, causing to be printed, distributing or  
25 displaying false or misleading instructions pertaining to

. 154563. 3

underscored material = new  
[bracketed material] = delete

1 voting or the conduct of the election;

2 B. printing, causing to be printed, distributing or  
3 displaying any official ballot, sample ballot, facsimile  
4 diagram, ballot label or pretended ballot which includes the  
5 name of any person not entitled by law to be on the ballot, or  
6 omits the name of any person entitled by law to be on the  
7 ballot, or otherwise contains false or misleading information  
8 or headings;

9 C. defacing, altering, forging, making false  
10 entries in or changing in any way a certificate of nomination,  
11 registration record or election return required by or prepared  
12 and issued pursuant to the Election Code;

13 D. suppressing any certificate of nomination,  
14 registration record or election return required by or prepared  
15 and issued pursuant to the Election Code;

16 E. preparing or submitting any false certificate of  
17 nomination, registration record or election return; or

18 F. knowingly falsifying any information on a  
19 nominating petition.

20 Whoever falsifies election documents is guilty of a  
21 [~~fourth~~] third degree felony."